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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,	)	No. CR 11-00214 EJD
	)	
Plaintiff,	)	STIPULATION AND <del>PROPOSED</del>
	)	ORDER CONTINUING HEARING TO
v.	)	October 29, 2012 AND EXCLUDING
	)	TIME FROM October 15, 2012 TO October
IRENIO ALVAREZ-CHAVEZ,	)	22, 2012 FROM THE SPEEDY TRIAL
	)	ACT CALCULATION
Defendant.	)	
	)	
	)	

The Parties, IRENIO ALVAREZ-CHAVEZ and the United States, acting through respective counsel, hereby stipulate, subject to the Court's approval, that the hearing currently set for October 15, 2012 be vacated, and that the hearing be re-set for October 29, 2012 at 1:30 pm. The parties are requesting the continuance of the hearing to the above date given that government counsel will be out of town on October 15. Additionally, the parties have engaged in lengthy discussions regarding a disposition in this matter, but it appears we have reached an impasse. Government counsel has provided defense with a proposed disposition, and defense counsel requires additional time to discuss defendant's options. It is anticipated that, with the additional time, the next appearance will be a change of plea.

The parties stipulate that the time between October 15, 2012 and October 29, 2012 is

1 excluded under the Speedy Trial Act, 18 U.S.C. §3161, and agree that the failure to grant the  
2 requested continuance would unreasonably deny defense counsel reasonable time necessary for  
3 effective preparation, taking into account the exercise of due diligence. Finally, the parties agree  
4 that the ends of justice served by granting the requested continuance outweigh the best interest of  
5 the public, and the defendant in a speedy trial and in the prompt disposition of criminal cases. 18  
6 U.S.C. §§ 3161(h)(7)(A) and (B)(iv).

7  
8 DATED: October 10, 2012

MELINDA HAAG  
United States Attorney

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10 \_\_\_\_\_/s/  
ANN MARIE E. URSINI  
11 Special Assistant United States Attorney


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13 \_\_\_\_\_/s/  
MANUEL ARAUJO  
14 Attorney for Defendant

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4 **PROPOSED ORDER**

5 Based upon the stipulation of the parties, and for good cause shown, the Court HEREBY  
6 ORDERS that the hearing in this matter previously set for October 15, 2012 is vacated, and the  
7 matter is continued to October 29, 2012 at 1:30 pm. Further, the Court ORDERS that the time  
8 between October 15, 2012 and October 29, 2012 is excluded under the Speedy Trial Act, 18  
9 U.S.C. §3161. The court finds that the failure to grant the requested continuance would  
10 unreasonably deny defense counsel reasonable time necessary for effective preparation, taking  
11 into account the exercise of due diligence. Furthermore, the Court finds that the ends of justice  
12 served by granting the requested continuance outweigh the best interest of the public and the  
13 defendant in a speedy trial and in the prompt disposition of criminal cases. The court therefore  
14 concludes that this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(7)(A) and  
15 (B)(iv).

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17 IT IS SO ORDERED.

18 DATED: 10/11/2012

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20 THE HONORABLE EDWARD J. DAVILA  
21 United States District Judge  
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